

SHARK

Addressing

From

Karyn Wendelowski/DC/USEPA/US

To

Jessica Kao/R9/USEPA/US@EPA
Jessica Kao/R9/USEPA/US,

CC

Kevin Minoli/DC/USEPA/US@EPA

BCC

Description

Form Used: Reply

Subject

Re: Fw: Link to LA District's Santa Cruz River TNW determination

Date/Time

07/02/2008 10:57 AM

Contributor

Karyn Wendelowski

of Attachments

0

Total Bytes

7,475

Processing

Selected Category

Ex. 5 -- Attorney Work-Product Privilege

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Body

Document Body

Jessica - Kevin and I aren't able to access the determinations; if you are, could you please send us a pdf?
Thanks!

Jessica Kao/R9/USEPA/US

Jessica Kao/R9/USEPA/US

07/01/2008 06:48 PM

To Kevin Minoli/DC/USEPA/US@EPA, Karyn
Wendelowski/DC/USEPA/US@EPA
cc

Subject Fw: Link to LA District's Santa Cruz River TNW determination

See email below. The "temporary suspension" is supposed to last a few weeks while Woodley and Army OGC review the factual and legal bases for the SCR TNW calls. (The two TNW stretches are upstream from my site and are mostly effluent-dominated.) The Corps is working on a Gila River TNW, which is also being suspended. I understand that Woodley is most uncomfortable with basing TNW on susceptibility for potential commercial activities only, which is the main, and in most cases, the only basis

for TNWs. All pending JDs that would be based on the SCR TNWs and the soon-to-be wrapped up Gila TNW would also be suspended. For the one JD that's been finalized basing off the on SCR TNC, Pima County likely will appeal administratively & Albrecht is in Pima County's email chain on that matter. There was some talk at Woodley's end about issuing some further instructions (a "patch") on TNW determinations so you probably want to keep a close tab on that.

Pima County & the mining industry are also asking ADEQ to hold off the triennial review process until establishment of jurisdiction for most of the AZ streams, etc. Not sure how this will play out when the WQSs come to EPA for approval since all that Rapanos discussions would likely be part of the EPA administrative record under the most expanded admin record case law.

-----Forwarded by Jessica Kao/R9/USEPA/US on 07/01/2008 03:19PM -----

To: Karyn Wendelowski/DC/USEPA/US@EPA
From: Jessica Kao/R9/USEPA/US
Date: 06/13/2008 12:51PM
Subject: Link to LA District's Santa Cruz River TNW determination

In case info re. this determination is needed, here's the link to COE's SCR TNW press release, which has links at the bottom to the determination itself and Q & A. Lance W and DOJ also reviewed some draft versions of these documents.

http://www.spl.usace.army.mil/cms/index.php?option=com_content&task=view&id=911&Itemid=2

There are other TNWs under active consideration in AZ that would probably run into the same complaint raised by Albrecht/Farm Bureau to Woodley.

Have a good weekend!
